Administration Building Council Chambers

308 Fountain Circle

February 18, 2020

6:00 p.m.

**BOARD OF ZONING ADJUSTMENT**

Members Present:

Mr. Martin Sisson – Chairman

Mr. Bert Peake – Vice Chairman

Mr. Fred Coffey

Mr. Johnny Ozier – Supernumerary

Dr. David Branham

Ms. Kimberly Ford

Others Present:

Mr. Thomas Nunez, City of Huntsville Planning Services

Mr. Travis Cummings, City of Huntsville Zoning Administration

Mrs. Jon Johnson, City of Huntsville Zoning Administration, Recording Secretary

Mr. Robert Baudendistel, City of Huntsville Zoning Administration

Sergeant Grady Thigpen, Huntsville Police Department

Officer Johnny Hollingsworth, Huntsville Police Department

The regular meeting of the Board of Zoning Adjustment was called to order by Chairman Sisson at the time and place noted above.

Chairman Sisson explained the procedures of the Board of Zoning Adjustment to those present, advising that any decision made by the Board may be appealed to Circuit Court within 15 days from this date and that any variance or special exception requires four affirmative votes as set by State law. Any variance or special exception granted must be exercised within six months by obtaining the proper permit. Also, if the Board denies a request, the appellant would have to wait six months before reapplying for a variance unless there was a significant change in the appellant’s request.

Chairman Sisson stated the following case has been continued for 30 days: location of a structure at 2302 Bell Avenue NW.

Chairman Sisson then called the extension items.

**Case No. 9045-2 1812 Pulaski Pike ;** A use variance to allow an adult day care, Connie P. Earskine, appellant. Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a use variance to allow an adult daycare in a Residence 1-B Zoning District. In a Residence 1-B Zoning District, an adult daycare is not permitted.

Mr. Cummings stated the Board saw this request last year and was approved on a 1 year basis.

Ms. Connie Earskine appeared before the Board. Chairman Sisson asked Mrs. Earskine if there had been any changes to her business. Mrs. Earskine stated they have more clients and will keep operating business as usual. Chairman Sisson asked Officer Hollingsworth with the Huntsville Police Department had there been any complaints. Mr. Hollingsworth stated no. Officer Hollingsworth also asked Mrs. Earskine if she has been fully occupied for a year. Mrs. Earskine stated yes. Chairman Sisson asked the City for any comments. No comments were given.

A motion was made by Ms. Ford and seconded by Vice-Chairman Peake to approve a use variance to allow an adult day care in a Residential 1B Zoning District, for this appellant only and for one year only, with the stipulations; the hours of operation being Monday through Sunday 6:00 a.m. to 6:00 p.m., no more than six adults for care during part of the 24-hour day, The State of Alabama Department of Human Resources Minimum Standards for Day Care Homes for Adults are met, and subject to approval for ADA compliance from the Inspection Department. **Approved unanimously**

**Case No. 9046-1 133 Whitestone Drive NE**; A special exception to allow a group child care home, Verna M. Ross**,** appellant.Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a Residence 2 Zoning District, group child care homes are permitted by special exception.

Ms. Ross appeared before the Board stating she has a home daycare and was allowed the special exception last year to have 12 children. However, Ms. Ross stated she only has 10 children due to her contract with Early Headstart. Chairman Sisson asked Ms. Ross had there been any changes to the operation of her daycare. Ms. Ross stated no. Chairman Sisson asked Officer Hollingsworth if there had been any complaints. Officer Hollingsworth stated no.

A motion was made by Vice-Chairman Peake and seconded by Mr. Ozier to approve a special exception to allow a group child care home in a Residence 2 Zoning District, for this appellant only and for 1 year only. **Approved unanimously**.

**Case No. 9173 903 Memorial Parkway NW;** A use variance to allow a package store; T. J. Lee of 903 Parkway, LLC, appellant. Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a use variance to allow a package sales establishment within 500 of a Residential District, within 1000 feet of a Class I Lounge, and within 1500 feet of another Package Sales Establishment.

A motion was made by Dr. Branham and seconded by Ms. Ford to continue this request for 30 days. **Approved unanimously**.

**Case No. 9180 1201 Meadow Drive NW;** A special exception to allow an electronic display sign in a Residence 2A Zoning District; Willie L. Taylor of South Central Conference Association of Seventh-Day Adventist Church, appellant. Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a special exception to allow an electronic display sign in a Residence 2A Zoning District.

Mr. Willie L. Taylor, the Pastor appeared before the Board. Mr. Taylor stated they have a sign present but would like to replace the sign in the same spot with an electronic display sign. Mr. Cummings stated the sign complies and the closest residential property is 100 feet to the north and 300 feet to the south. Dr. Branham stated so this sign will be 13 feet too close. Mr. Cummings stated because the sign is being placed in the same footprint of the old sign. Vice-Chairman Peake stated the setback issue will be taken care of in the amendment of the sign ordinance. Also, we are only looking at impact to neighborhood. Vice-Chairman Peake asked Mr. Taylor did he send out letters. Mr. Taylor stated he sent 90 letters and heard nothing back.

A motion was made by Dr. Branham and seconded by Ms. Ford to approve a special exception to allow an electronic display sign in a Residence 1-A Zoning District as presented. **Approved unanimously.**

**Case No. 9183 700 Pratt Avenue NW;** A use variance to expand a non-conforming use and distance separation variance to allow an existing package store within 500 feet of a Residential 2B Zoning District; Daniel L. Cooper for Elfriede Rucker of Rucker Enterprises, appellant. Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a distance separation variance to allow an addition to an existing package store within 500 feet of a Residential Zoning District. This request will require a PVA landscape and PVA lighting variance for an addition to an existing building.

Mr. Daniel Cooper the property manager appeared before the Board for Ms. Rucker due to Ms. Rucker being 80 years old and could not attend the meeting. Mr. Cooper stated the ABC Store has been in operation for 20 years. Mr. Cooper stated they are proposing an addition on the side to the store. Mr. Cooper also stated the ABC Board are rebranding themselves from ABC Store to ABC Select Spirits. Mr. Cooper further stated the ABC Board would like for them to enlarge the store to accommodate a warehouse. Chairman Sisson stated the use is there and nothing will change. Chairman Sisson also asked if there are any homes within the 500 ft from a residential district. Mr. Cummings stated no. Officer Johnny Hollingsworth asked the Board to make this unique to where no other package store is allowed. Also, no change to where the customers enter and for this variance be for this appellant only. Mr. Cooper stated the addition will be located on the east side of the building. Mr. Cooper stated per the code they are required to have 32 parking spaces and they will have 50 parking spaces.

Chairman Sisson asked the Board for any comments. Mr. Ozier asked if there was fencing around the back of the property to slow down foot traffic. Mr. Cooper stated there is a 10 foot rock wall surrounding the property on 3 sides. Dr. Branham asked if the lighting complies. Mr. Cummings stated no they don't have enough pole lights. Chairman Sisson stated the lighting should meet all requirements especially for security reasons since this is the highest volume store in the State of Alabama per the appellant’s testimony. Mr. Cooper stated they will meet all lighting requirements from the Zoning Ordinance. Chairman Sisson also stated to make sure they have the photometric data to make sure they comply. Chairman Sisson asked about the PVA landscaping variance. Mr. Cummings stated they have over 15 parking spaces and will require interior and perimeter landscaping.

A motion was made by Mr. Ozier and seconded by Dr. Branham to approve a use variance to allow an addition on an existing package sales establishment within 500 feet of a Residential 2B Zoning District with the stipulation, the addition will not include any exterior ingress or egress doors and due to the fact, the package store has been at this same location for 20 years and there are no residential structures within 500 feet, a PVA landscaping variance not to upgrade the required plant material and denied a PVA Lighting variance request to not upgrade the existing PVA lighting. Therefore, the PVA lighting requirements must be brought into compliance with the City of Huntsville Zoning Ordinance. **Approved unanimously**.

**Case No. 9189 1620 Monte Sano Boulevard SE**; The location of a structure, Terry S. Langley, appellant. Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a require a 17 foot rear yard setback variance. This request will also require a 4 foot west side yard setback variance. In a Residence 1 Zoning District, a 45 foot rear yard setback is required. In a Residence 1 Zoning District, a 15 foot side yard setback is required.

Mr. Langley appeared before the Board requesting a 4 foot west side yard variance to reconstruct the wings on the house. Mr. Langley stated this house was moved from Guntersville, AL to Monte Sano Mountain. Chairman Sisson stated so after the addition is built the structure will be 11.8 feet to the western side lot line. Mr. Langley stated yes. Chairman Sisson asked about the rear yard setback variance. Mr. Langley stated Mr. Cummings stated the triangular formula can be applied for the rear yard setback issue. Chairman Sisson asked Mr. Cummings if the rear setback is compliant with the triangular formula. Mr. Cummings stated yes. Mr. Ozier asked if the rear property was aware and have any objections. Mr. Langley stated yes, they are aware and had no objections.

Ms. Ann Storey appeared before the Board. Ms. Storey stated the survey flag was 5 feet off. Chairman Sisson stated the Board has no issues with that but to have this checked.

A motion was made by Dr. Branham and seconded by Ms. Ford to approve a 4 foot west side yard setback variance. **Approved unanimously.**

Chairman Sisson then called the regular agenda items.

**Case No. 9190 2606 Redfield Court SE**; The location of a structure; Jiley E. Mc Nease, appellant. Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a 5 foot rear yard setback variance. In a Residence 2 Zoning District, a 25 foot side yard setback.

Mr. McNease appeared before the Board stating he lives in a cul-de-sac. Mr. McNease stated his rear yard is not deep and there is a 121 foot depth between him and the next property line because of a small creek. Mr. McNease stated he would like to construct an addition in the rear. Chairman Sisson asked if there was a utility and drainage easement behind him. Mr. Baudendistel stated it is common area behind him. Mr. McNease stated instead of the variance being 25 feet, he has changed it to 20 feet therefore only asking for a 5 foot variance. Mr. McNease stated he sent out 63 letters with no issues.

A motion was made by Dr. Branham and seconded by Mr. Ozier to approve a 5 foot rear yard setback variance. **Approved unanimously.**

**Case No. 9191** **3705 Fairview Street SW**; The location of a structure, Rogelio Gomez, appellant. Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a 10 foot rear yard setback variance. In a Residence 1-B Zoning District, a 35 foot rear yard setback is required.

A motion was made by Dr. Branham and seconded by Chairman Sisson to continue this request for 30 days. **Approved unanimously.**

**Case No. 9192** **2302 Bell Avenue NW; The** location of a structure; Wayne Anthony Watson, appellant**.** Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a variance to allow an accessory structure in a front yard.Accessory structures are not permitted in front yards.

A motion was made by Dr. Branham and seconded by Mr. Coffey to continue this request for 30 days. **Approved unanimously**.

**Case No. 9193 1707 Truman Drive NE,** The location of a structure, David Broom, appellant. Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a 10 foot rear yard setback variance due to the angled shape at the rear of the lot. In a Residence 1B Zoning District, a 35 foot rear yard setback is required.

Mr. David Broom appeared before the Board. Mr. Broom stated he is requesting a 25 foot rear yard setback variance for an addition to the rear right side of yard. Mr. Broom stated he has an odd shaped yard and the addition will close out the corner of his yard about 25 feet. Dr. Branham asked if there was a side yard issue. Mr. Cummings stated no. Chairman Sisson asked what was going in this area. Mr. Broom stated the master bedroom. Vice-Chairman Peake asked if lot coverage complied. Mr. Cummings stated yes. Vice-Chairman Peake stated if Mr. Broom was only doing an accessory structure, he would only have to be 10 feet away from the house and 5 feet from the property line. Mr. Cummings stated yes, and because he is connecting the addition to the house that triggers the rear yard setback variance. Mr. Broom stated he sent letters out and received only a phone call needing better understanding of the request. Chairman Sisson asked the Board for any questions or comments. No comments were given.

A motion was made by Vice Chairman Peake and seconded by Dr. Branham to approve a 10 foot rear yard setback variance. **Approved unanimously.**

**Case No. 9194 2750 Wynterhall Road SE**; The location of a structure; Ivan Martinez, appellant. Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a 4 foot side yard setback variance due to the orientation of the alley drive aisle. In a Residence 2A Zoning District, a 10 foot side yard setback is required at the unattached ends of a single family attached dwelling complex.

Mr. Ivan Martinez appeared before the Board. Mr. Martinez stated his property has a unique shape and is requesting a 4 foot side yard variance for an addition to a single family attached dwelling unit. Mr. Martinez stated he received 3 calls in support of the variance. Dr. Branham asked if the lot coverage complied. Mr. Cummings stated single family attached only requires yard space and meets the yard space requirements. Mr. Ozier asked when was the house built. Mr. Martinez stated in 1987.

A motion was made by Dr. Branham and seconded by Ms. Ford to approve a 4 foot side yard setback variance for an addition to a single family attached dwelling unit. **Approved unanimously.**

**Case No. 9195** **500 Discovery Drive NW**; The location, and type of signage; Michael Rogers of Larry Signs for Quantum Research International, Inc., appellant. Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a variance to allow two (2) double face pylons sign in a Research Park West Zoning District.In a Research Park West Zoning District, A facility yard pylon shall have one face placed parallel to an existing public road.

Mr. Michael Rogers with Larry Signs appeared before the Board. Mr. Rogers stated he is requesting 2 facility yard pylon signs, double sided and perpendicular to the road. Chairman Sisson stated the Research Park West Board has a unique set of rules. Chairman Sisson asked City staff to explain what signage is allowed in the Research Park West Zoning District. Mr. Cummings stated in a Research Park West Zoning District the facility pylon sign is allowed parallel to the street, and 1 face. Dr. Branham stated they are requesting the sign to turn 90 degrees and be double sided. Mr. Cummings stated yes and they will meet all other sign requirements. Chairman Sisson asked if the Board has seen request like this before. Mr. Cummings stated yes. Mr. Rogers stated the sign will be located 20 feet from the curb. Mr. Ozier asked if the Research Park West Board supports this. Mr. Nunez stated yes.

A motion was made by Dr. Branham and seconded by Ms. Ford to approve a variance for a facility yard pylon sign to be perpendicular to the public road and for a facility yard pylon sign to have a double-sided face. **Approved unanimously**

**Case No. 9196** **1100 Explorer Boulevard NW;** The height, location, size, color and type of signage; Andy Sebacher of Forum Studio, LLC for Edward W. McDaniel of Blue Origin, LLC, appellant. Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a 47 inch height variance for a monument sign in a Research Park West Zoning District. This request will also require a variance for the base of a monument sign. This request will also require a variance for the removal of the one (1) inch reveal. This request will also require a variance for the color with the lower half of the background with a sign. This request will also require a variance for the color and font. This request will also require a variance for the positioning of the given address. In a Research Park West Zoning District, a facility yard pylon sign may be eight (8) feet in height. In a Research Park West Zoning District, a facility yard pylon sign may be mounted on a base that does not exceed one (1) foot in height. In a Research Park West Zoning District, a facility yard pylon sign shall have a one (1) inch reveal separating the logo from the address. In a Research Park West Zoning District, the lower half of the facility yard pylon shall have a dark bronze background. In a Research Park West Zoning District, the lower half of the facility yard pylon shall have white typography in Helvetica regular. In a Research Park West Zoning District, Address and directional information shall be positioned in the upper left corner with margins and spacing as shown in the following illustration.

Mr. Andy Sebacher appeared before the Board. Mr. Sebacher stated they are trying to maintain Blue Origin's Corporate Standards for signage. Mr. Sebacher also stated the signage is a National Branding interest and they are after consistency, branding and identification. Chairman Sisson asked for clarification of what was being violated. Mr. Cummings stated the base was 4 feet and another 4 feet on top of the sign. Chairman Sisson stated this doesn't match the sign character. Also Mr. Cummings stated Research Park West has specific colors they use, like dark bronze and dark brown. Mr. Cummings stated the color, font size, and size of the sign are not in compliance. Mr. Cummings stated the location of the address and the size on the location of the address on the sign is not compliance. Chairman Sisson stated it is the top half of the lower section. Chairman Sisson stated in a Research Park West Zoning District, a facility yard pylon sign must be 8 feet in height. Mr. Sebacher stated they are requesting a facility yard pylon sign and a building identity pylon sign. Mr. Nunez stated we are excited about the project but due to the fact this is located in a Research Park Zoning District, the Research Park Zoning District regulations should apply to this site as well. Chairman Sisson stated they may be inclined to place a facility yard pylon sign perpendicular to the public road and for a facility yard pylon sign to have a double-sided face but to comply with sign character of the Research Park Zoning District.

No motion was made therefore, the request was denied for a 47 inch height variance for a facility yard pylon sign, a variance for the base of a sign, a variance for the removal of the one inch reveal, a variance for the color with the lower half of the background with a sign, a variance for the color and font size, a variance for the positioning of the given address on the sign in a Research Park West Zoning District.

A motion was made by Chairman Sisson and seconded by Vice-Chairman Peake to approve the option for the appellant to have the ability to place a facility yard pylon sign perpendicular to the public road and for a facility yard pylon sign to have a double-sided face. **Approved unanimously.**

**Case No. 9197 127 Holmes Avenue Unit 101,** Additional signage and attached signage; Stacey W. Blevins of Thomas Signs for James H. Richardson of 127 Holmes Avenue, LLC, appellant. Mr. Baudendistel stated the location of the property and stated this request will require a variance to allow one (1) additional sign over the front of a multi-tenant building. This request will also require a 28 inch projection variance for an attached vertical lettered double-faced sign. In a General Business C3 Zoning District, multiple tenant buildings shall include no more than one sign per street frontage.In a General Business C3 Zoning District, a double-faced sign shall project no more than sixteen (16) inches from the face of the building.

Chairman Sisson recused on this case. Ms. Stacey Blevins appeared before the Board. Ms. Blevins of Thomas Signs stated she is representing the building owner and the restaurant La Esquina Cochina at the corner of Holmes Avenue and Spragins Street. Ms. Blevins stated they are requesting a variance for an attached sign on the canopy on the front of the building. Ms. Blevins stated the Zoning Ordinance only allows for 1 sign on a multi-tenant building per road frontage which is occupied by Moe's Barbeque. Also, they are requesting a projection sign to be located on the corner of the building, which allows for a 24 inch projection sign and the original sign designed by the owners of the building is 36 inches. Vice-Chairman Peake asked if what they are requesting for the projection sign will be covered under the revised sign ordinance. Mr. Cummings stated yes it will state 48 inches. Vice-Chairman Peake stated there is not a square footage issue just a projection issue. Mr. Cummings stated yes. Vice-Chairman Peake asked if both signs were for the same tenant. Ms. Blevins stated yes this is for the same business, La Esquina Cochina which means the Corner Kitchen. Mr. Cummings stated their total size request complies for what has been done in this area in the past. Mr. Cummings also stated Zoning Administration is working to amend the ordinance to allow for multi-tenant buildings in a General Business C3 Zoning District to have 1 square foot per linear foot of the building. Vice-Chairman Peake asked Ms. Blevins how many tenants will occupy this building. Ms. Blevins stated she only represented the bottom floor and does not know how the upper floors will be divided. Mr. Nunez stated the upper floors are intended for office space. Vice-Chairman Peake asked Mr. Cummings how will the other tenants be identified. Mr. Cummings stated it will be up to the landowner to make them aware of the ordinance and what is permitted at this location.

Vice-Chairman Peake asked the Board for any other comments. No comments were given. Vice-Chairman Peake asked the City for any other comments. No comments were given.

A motion was made by Ms. Ford and seconded by Mr. Coffey to approve a variance to allow an additional attached sign 19.95 square foot in size as presented, and a 28 inch projection variance for an attached vertical lettered double-faced sign as presented. The motion passed with a vote of 4 to 1.

**Case No. 9198** **201 Marsheutz Avenue SE;** The size and type of signage; Kelly Meyers of Rivertree Church, appellant. Mr. Baudendistel stated the location of the property and stated this request will require a 49 square foot size variance for two (2) attached signs due to the large footprint of the given church building. In a Residence 1-B Zoning District, attached accessory signs must not exceed two (2) square feet in size.

Chairman Sisson recused from this case. Mr. Chris Waters of Chapman Sisson Architects and Mr. Kelly Meyers of Rivertree Church appeared before the Board. Mr. Waters stated they are requesting a variance for 2 signs, one on Westmoreland Street on the north side of the church and Marsheutz Avenue. Mr. Waters further stated they are requesting a variance for a 29 square foot sign facing Westmoreland and a 24 square foot sign on Marsheutz Avenue. Mr. Waters stated the previous owner (Southside Baptist Church) had a 72 square foot attached sign facing Five Points, and when Rivertree Church became owners and began renovations they realized an identification/entry sign was needed. The old 72 square foot sign has been removed. Mr. Waters stated the total square footage for both signs are 53 square feet which is lower than what was previously existing. Mr. Waters stated they would not be out of context with what is across the street which is in a Neighborhood C1 Zoning District. Dr. Branham asked Mr. Cummings why they were only allowed 2 square feet. Mr. Cummings stated in a Residence 1B Zoning District, churches are only allowed 2 square feet. Vice-Chairman Peake asked Mr. Waters if the signs would be attached to the building. Mr. Waters stated yes. Mr. Nel Strain appeared before the Board. Mr. Strain lives across the street and was concerned about where the sign was going. Mr. Strain asked if the illuminated sign will be on a timer. Mr. Waters stated it is back lit. Vice-Chairman Peake asked if the sign will have a translucent face. Mr. Waters stated the sign will have a glow around it. Mr. Cummings stated the illumination is also a part of this request. Vice-Chairman Peake asked if there will be any spillover lighting. Mr. Waters stated the sign will glow the letters and the parking lot lights will be more obtrusive than the sign.

Vice-Chairman Peake asked the Board for any comments or questions. No comments were given. Vice-Chairman Peake asked the City for any comments. No comments were given.

A motion was made by Dr. Branham and seconded by Mr. Ozier to approve a 29 square foot size variance for attached signage on Westmoreland Avenue, a 24 square foot size variance for attached signage on Marsheutz Avenue due to the fact this site has three street frontages and with the stipulation, a pre-existing 72 square foot attached sign has been removed and a variance to allow illumination for both attached signs in a in a Residence 1B Zoning District. **Approved unanimously.**

**Case No. 9199** **7400 Flint Crossing Circle, SE Unit A;** The location of signage; David Hall of Schoel Engineering for Jeffrey M. Benton of Focus Investments, LLC, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require an 8 foot setback variance for the location of a monument sign. In a Residence 2-A Zoning District, a 20 foot front yard setback is required.

Ms. Anna Mitchell of Schoel Engineering for Jeff Benton appeared before the Board. Ms. Mitchell stated they are requesting a variance for location of a subdivision entrance sign to move the sign out of the sanitary sewer easement. Chairman Sisson asked if this will be consistent with what is being amended in the Zoning Ordinance. Mr. Cummings stated yes. Mr. Cummings stated they are requesting to be 12 feet off and the ordinance will allow 10 feet.

A motion was made by Dr. Branham and seconded by Vice-Chairman Peake to approve an 8 foot setback variance for the location of a subdivision entrance sign. **Approved unanimously**

**Case 9200** **1555 Trailhead Main Street NE;** A slope regulation variance; Daniel O. Nash of Concord Development for Wade Clifford White, III of Trailhead SL, LLC, appellant. Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a variance from the slope development regulations.

Mr. Daniel Nash of Concord Development appeared before the Board. Mr. Nash stated there is a piece of property in the Trailhead Mixed Use Development with residential and commercial. However, this piece of property is a commercial piece purchased by Trailhead SL Inc. Mr. Nash stated when the slope development lines were drawn the data used was more primitive than today. Mr. Nash further stated the portion of the lower slope area presented was field located, and notified planning staff that it should have not been in the Slope Development District. Mr. Nash stated he met with Ben Ferrill, Senior Planner with City of Huntsville focusing with Environmental Planning the City of Huntsville and the Planning Staff and Mr. Ferrill agreed and recommended they come before the Board. Mr. Nunez stated that when Moores Mill was extended, the City of Huntsville constructed the street as a part of this Slope Development District. Mr. Nunez further explained the rock bed was drilled over and utilized by the City therefore adjusting the slope development line. Chairman Sisson stated due to the City impacting the Slope Development District then the line now is not in compliance. Mr. Nunez stated yes. Chairman Sisson needed clarification on what was being varied. Dr. Branham asked also if the City renders this no longer in Slope Development, then why can't planning just change the lines. Mr. Ozier stated he did not believe the Board should address or grant a variance when there are present rules and regulations for the basis of the Slope Development Ordinance. Mr. Nunez stated if the Board is not comfortable in varying this, then staff will take the appropriate action in this matter. Mr. Cummings stated Dr. Ferrill was not aware of the City road widening project and the joint effort of the City and the developer, so he recommended the new dotted line remain in its natural state and if they wanted to do anything different, they can provide a re-vegetation plan and submit it to the Planning Department for approval. Chairman Sisson stated if the Board took no course of action, if the appellant can be served by the Planning Staff. Mr. Nunez stated yes. Chairman Sisson stated that may be the best course of action.

No action was taken on this request.

**Case 9201** **3219 Long Avenue SW;** A use variance to allow a trade school in a Neighborhood Business C1 Zoning District; Barry Oxley of North Alabama Homebuilding Academy, appellant. Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a use variance to allow a trade school in a Neighborhood Business C1 Zoning District. In a Neighborhood Business C1 Zoning District, trade schools are not a permitted use.

Vice-Chairman Peake recused from the case. Mr. Matt McCutcheon appeared before the Board.

Mr. McCutcheon stated the building they would like to conduct the trade school at was formerly the Roto-Rooter. Mr. McCutcheon stated the North Alabama Home Building Academy is geared at filling the void in the construction field. Mr. McCutcheon further stated their guarded population are the unskilled, unemployed, and under employed individuals that are seeking to better their life with better employment. The classes will be conducted on an eight week basis, two nights a week, from 5:30 p.m.- 8:30 p.m., however in the future we are hoping to expand the classes, Monday through Thursday 1:00 p.m.- 4:00 p.m. Mr. McCutcheon stated students that qualify for these classes can attend at no cost. Also, to qualify they have to have a desire to enter the workforce, pass a drug test, be 18 years old or older and legally employable in the United States.

Chairman Sisson asked Mr. Cummings why the use was not allowed by right. Mr. Cummings stated the use is not permitted in this district. Also, the character of this neighborhood does not meet the actual Neighborhood C1 Zoning District, however it has an appearance of a Light Industry District. Mr. Cummings also stated there were several variances on this block and the trade school did not fall in line with the previous variances. Dr. Branham asked what was the previous variance for this parcel. Mr. Cummings stated the previous variance was for an office building to allow plumbing facilities, which was Roto Rooter and warehousing. Mr. Ozier asked was the parking compliant. Mr. Cummings stated yes. Mr. Baudendistel stated there were 30 plus parking spaces. Mr. Ozier asked Mr. McCutcheon how many students would be there at a time. Mr. McCutcheon stated at first about 15, but in the future 200-250 students. Dr. Branham asked if there was an issue with lighting. Mr. Cummings stated no, because they were not expanding the building and the use is not triggering a pva upgrade. Dr. Branham also asked if the lighting meets the Neighborhood C1 requirements. Mr. Cummings stated they may not comply due to the fact there are not a lot of pole lighting, and Chairman Sisson stated to McCutcheon the lighting may need to be addressed if the Board allows the use. Mr. McCutcheon stated they can consider the lighting issue. Mr. Cummings also stated Zoning Administration can make sure that the attached lighting on the building is functional and working.

A motion was made by Mr. Ozier and seconded by Dr. Branham to approve a use variance to allow a trade school in a Neighborhood Business C1 Zoning District due to the fact the character of the neighborhood has the look similar to a Light Industrial Zoning District. **Approved unanimously**

**Case 9202** **2000 Winchester Road NE;** The size and type of signage; Randy Perry of Goodwyn Mills Cawood for Leslie Cherry of Tri Star Energy, LLC, appellant. Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a 38 square foot size variance for a monument sign in a Highway Business C4 Zoning District. This request will also require a variance to allow for red and green display with an LED sign. This request will also require a 1.28 square foot size variance for the three (3) ingress and egress signs. This request will also require a 40 foot front yard setback variance. In a Highway Business C4 Zoning District, 150 square feet is the maximum size area for a monument sign. In a Highway Business C4 Zoning District, White and Amber text is permitted. In a Highway Business C4 Zoning District, ingress and egress signs must not exceed three (3) square feet in size. In a Highway Business C4 Zoning District, a 50 foot front yard setback is required along major arterials.

Mr. Randy Perry of Goodwyn Mills Cawood are developing the corner lot of the Friendship Commons Commercial Subdivision appeared before the Board requesting sign variances for the Twice Daily Convenience Store. Mr. Perry state they are requesting a size variance for a monument sign. Mr. Perry further explained the monument sign has a 4 foot grip base and 8 foot signage atop of the base. The calculation for the 150 square foot maximum includes the base and we are requesting an additional 38 square feet. Mr. Perry further explained they are requesting a variance for the color of red and green for the LED fuel pricers. Chairman Sisson asked the City if the color will be amended in the sign ordinance change. Mr. Cummings stated yes. Chairman Sisson asked the City about the size variance. Mr. Cummings stated since they are requesting a sign ordinance, the size will not be addressed for this monument sign. Mr. Perry stated the location of 40 feet off the Right of Way will place the sign outside of the parking but more of in an odd shaped corner on the intersection side of the site. Chairman Sisson asked about the location with the future ordinance. Mr. Cummings stated the amended ordinance will allow monument signs to be 10 feet from the property line. Mr. Perry stated their sign will be 10 feet off the front property line and 15 feet off the angular property line.

Mr. Perry stated the other request is for the size increase on the directional signage. Mr. Perry stated they have 3 non-illuminated 30 inch tall directional signs on site. Mr. Perry stated the ordinance allows you to have 3 square feet and we are requesting 4.28 square feet. Dr. Branham asked why did the sign need to be bigger. Mr. Perry stated this was a typical sign from the sign vendor and this is what they would like to be used. Chairman Sisson asked if the sign is 30 inches high if it would still comply. Mr. Perry stated only with the height, but the sign face is still the 4.28 square feet instead of 3 square feet. Chairman Sisson stated he felt they should comply with the ordinance. Dr. Branham stated they should meet the standards for the ingress and egress signs.

Mr. Steven Robbins appeared before the Board concerned with traffic, and lighting concerns for this area.

A motion was made by Dr. Branham and seconded by Mr. Ford to approve use variance to allow green and red LED lighting for an electronic message center ground sign only for fuel prices and based on the understanding the City is in process of amending the Zoning ordinance, a 38 square foot size variance for a monument sign due to the design of the base and topography of the land in a Highway Business C4 Zoning District, a 40 foot front yard setback variance for a monument sign. **Approved unanimously** No motion was made on the size and height variance request for the ingress and egress signs, there the request was denied.

**Case 9203** **3710 and 3610 Governors Drive SW;** Distance separation and location of structure; Jerry M. Cargile of Schoel Engineering for Daniel J. Doyle and Tyler E. Cooper of The Beach CO. as manager of Huntsville Westside Hotel, LLC, Huntsville Westside Apartments LLC, Huntsville Westside Office, LLC, appellant. Mr. Baudendistel stated the location of the property. Mr. Baudendistel stated this request will require a setback variance for the location of mixed use buildings in a Highway Business C4 Zoning District. This request will also require a distance separation variance for the location of mixed use buildings in a Highway Business C4 Zoning District. In a Highway Business C4 Zoning District, a 50 foot front yard setback is required along a major arterial.

Mr. Ozier recused from this case. Mr. Jerry Cargille and J.C. Darby from the Beach Company appeared before the Board. Mr. Cargille stated this property is west of the Thompson Tractor Facility and Stovehouse. Mr. Cargille also stated this is a mixed use development project. Mr. Cargile stated this project will include hotels, offices, commercial and primarily residential, multifamily, and townhouse living. Chairman Sisson asked Mr. Cargile to explain the variance request. Mr. Cargile stated they are requesting a 50 foot setback variance from Governors Drive. Mr. Cargile also explained the R-O-W on Governors Drive is wider, there are existing structures on Governors already sitting close to the R-O-W and we are trying to fit in with the character of the neighborhood. Mr. Cargile also stated they would like to create more of an urban type project and a walk able sidewalk to Stovehouse. Mr. Cummings stated this section of Governors Drive has that University Drive feel due to several road widening projects, and a lot of buildings are closer to the property line. Dr. Branham asked if there is a setback from I-565. Mr. Cummings stated yes there would be a 50 foot setback from I-565, which is a major arterial. Mr. Cargile stated the sidewalk in front of the multifamily will be 20-25 feet to the travel lane which will have a significant landscape buffer. Dr. Branham asked Mr. Cummings if a front yard average setback was taken. Mr. Cummings stated no not in this district. Chairman Sisson asked the Board for any more comments. No comments were given, except Dr. Branham made the motion.

A motion was made by Dr. Branham and seconded by Ms. Ford to approve a 31 foot front setback variance from a Major Arterial (Governors Drive), a 39 foot rear setback variance from another Major Arterial (Hwy 565) and distance separation variance as presented for the location of a mixed use development in a Highway Business C4 Zoning District. **Approved unanimously**

There being no further business, the meeting adjourned at 8:34 p.m.